

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26895 of 2022

Birupakhya Satapathy

....

Petitioner

Mr. Subash Ch. Puspalka, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr.P.K.Rout, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.11.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
 3. The Petitioner has filed the aforesaid writ application with the following prayer:

“The Petitioner therefore prays that your Lordships may be kind enough to admit the case, call for the records and after hearing the parties and upon perusal of the records the Opp.Party No.2 may kindly be directed to release the pension gratuity, unutilized a salary and other pensionary benefit as admissible and due to the Petitioner within a stipulated time period or else the Petitioner will be seriously prejudiced and shall suffer irreparable loss.

Any order/orders may kindly be passed as this Hon’be Court would deem just and proper.”

4. It is submitted by the learned counsel for the Petitioner that the

Petitioner was working under Board of Secondary Education, Odisha. Initially the Petitioner joined as Diarist on 05.12.1969 and retired as a Senior Diarist on 31.01.2010 on attaining the age of superannuation. It is submitted by the learned counsel for the Petitioner that although the Petitioner has retired from service, he has not paid his retiral dues, pensionary benefit and unutilized leave salary and gratuity till date. He further contends that although the Petitioner has approached the competent authority on several occasions the case of the Petitioner has not been considered as of now. It is also submitted by the learned counsel for the Petitioner that recently the Petitioner has approached the authority by filing a representation to the Secretary, Board of Secondary Education, Cuttack on 24.08.2022 which is annexed to the writ application as Annexure-3 and further it is stated that the same is pending for consideration.

5. Considering the limited nature of grievance of the Petitioner, this Court disposes of the writ application at the stage of admission by directing the Board of Secondary Education, Odisha Opposite Party No.2 to consider the representation submitted by the Petitioner on 24.08.2022 in accordance with law and dispose of the same within a period of four weeks from the date of production of certified copy of this order. It is further directed that the representation shall be considered strictly in accordance with law. In the event it is found that the Petitioner is entitled for his pensionary benefit and the same has not been paid to him, the authorities are directed to calculate and disburse the same within a period of two months from the date of taking decision. Further the financial benefit shall be paid along with the interest as has been provided in the case of ***D.D. Tewari (D) through L.Rs. vs. Uttar Haryana Bijli Vitran Nigam Ltd.***, reported

in *2015 (1) OLR (SC)-81*.

6. With the aforesaid observation the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

